Consumer Auto Safety Enhancement (CASE) Act of 2010

The CASE Act of 2010, authored by Representative Jackie Speier (CA-12), will require manufacturers to equip new cars, starting with 2012 models, with event data recorders (EDRs) that are readable and that meet the specifications below. This legislation will also require that cars on the road with EDRs be readable by the National Highway Traffic Safety Administration, and also requires the agency to create an EDR database for purposes of research and analysis. Although some vehicles currently have EDRs, the degree to which the benefits of EDRs are realized is directly proportional to the number of vehicles equipped with the recorders.

EDRs offer important benefits for vehicle safety, such as:

- Enabling automatic crash notification systems for improved emergency responses to crashes;
- Increasing understanding of vehicle crashworthiness and safe highway design; and
- Providing greater insight into trends in motor vehicle defects.

Survivability Standards
Requires that EDRs be designed to survive an accident where the vehicle becomes immersed in fluid, a fire (temperature and duration to be determined by NHTSA), a crash involving a crash force of 65 miles per hours, rear-impact crash, side barrier crash, and a rollover crash.

Data Elements
The following data elements will be required to be recorded for 60 seconds before the event and 15 seconds following the triggering of the event by EDRs:

- Safety belt status by seating location, number of occupants, and location in the vehicle;
- Pre-crash data regarding vehicle speed, breaking status, accelerator status, steering input, and engine rotations per minute;
- Driver and front passenger airbag deployment level, deactivation status, deployment time, and deployment stage;
- Time between a crash event and any 2nd crash event, and between any such 2nd crash event and any 3rd crash event;
- rollover data;
- Data regarding the operation of the antilock brake system, the traction control system, and the stability control system;
- A stamp including the motor vehicle's vehicle identification number and the date, time, and odometer reading corresponding to each data point collected;
- Tire pressure;
- Yaw data (the angle of the vehicle and its inertia);
- Any other data that NHTSA considers appropriate.

Universal Data Retrieval Method
Manufacturers will work with NHTSA to create a retrieval access standard that will enable NHTSA and emergency responders to access EDRs with one universal data retrieval method. Data will also be required to be in a readable form (not encrypted) and usable to be analyzed for safety performance of a vehicle without additional specialized equipment.

Event Data Recorder Database
Legislation directs the agency to create a database for purposes of research and analysis that contains, in electronic format, all EDR data.

Personally Identifiable Information
Data available to the public will not contain any information that could be used to identify an owner or occupant of a vehicle from data captured by an EDR, including the full vehicle identification number of the vehicle, the name, mailing address, email address, or telephone number of an owner or occupant, and any other information that is prohibited by law from disclosure or that the agency determines to be withheld to protect individual privacy.

Limitations on Information Retrieval
All data in a data recorder is the property of the owner or lessee of the motor vehicle. Any information recorded or transmitted by a data recorder may not be retrieved by a person other than the owner or lessee of the motor vehicle in which the recorder is installed unless:

- A court authorizes retrieval of the information in furtherance of a legal proceeding;
- The owner or lessee consents to the retrieval of the information for any purpose, including the purpose of diagnosing, servicing, or repairing the motor vehicle; or
- The information is retrieved by a government motor vehicle safety agency for the purpose of improving motor vehicle safety if the personally identifiable information of the owner, lessee, or driver of the vehicle and the vehicle identification number is not disclosed in connection with the retrieved information.

Feasibility of Automatic Transmission of EDR Data
No later than 180 days after enactment of this legislation, the Secretary of Transportation would be required to submit to Congress a report on the feasibility of requiring data from an EDR after an accident being electronically transmitted to the agency. The report required would include:

- An analysis of existing systems and capabilities for automatic electronic transmission of vehicle data and information in the event of a crash and the extent to which automobile manufacturers already are collecting such vehicle crash data;
- A description of the potential benefits, both monetary and non-monetary, as well as cost-savings attributable to a robust database of crash event information that would result from the requirement described in subsection;
- An analysis of the cost to motor vehicle manufacturers of this potential requirement as compared to the cost of requiring the collection of such crash data by means other than by automatic electronic transmission;
- The Secretary's recommendation of a reasonable timeline for manufacturers to comply with such requirement; and
- An analysis of any potential privacy issues posed by such requirement and recommendations for how they might be addressed or eliminated.